

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Philip Dace,
4 Plaintiff,
5 vs.
6 United States Postal Service (USPS),
7 Defendant.

2:25-cv-00059-GMN-MDC

ORDER DENYING IFP AS MOOT

8 Pending before the Court is *pro se* plaintiff Philip Dace's *Motion/Application to Proceed In
9 Forma Pauperis* ("IFP application") (ECF No. 10). For the reasons stated below, the Court DENIES the
10 IFP application as moot.

11 **DISCUSSION**

12 Under 28 U.S.C. § 1914(a), a filing fee is required to commence an action in federal court,
13 whether by original process or removal. However, under 28 U.S.C. § 1915, allows the court to waive the
14 fees if the party submits a financial affidavit that demonstrates he is "unable to pay such fees or give
15 security therefor."

16 Plaintiff filed his action in state court and defendant removed the action to federal court (ECF
17 No. 1). Thereafter, plaintiff filed his IFP application. ECF No. 10. Plaintiff's IFP application is moot
18 because defendant removed this action and paid the removal fee. Thus, there is no "filing fee" for
19 plaintiff to pay.

20 To the extent plaintiff submits his IFP application to seek relief from other litigation costs, the
21 Court denies such a request. The Local Rules of our district state that granting an IFP application "does
22 not relieve the applicant of the responsibility to pay the expenses of litigation that are not covered by 28
23 U.S.C. § 1915." LSR 1-6. Thus, even if the Court granted plaintiff's IFP application, he would still be
24 responsible for all other costs associated with litigation.

1 ACCORDINGLY,

2 **IT IS ORDERED** that the IFP application (ECF No. 10) is DENIED AS MOOT.

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4 DATED this 11th day of February 2025.

5 IT IS SO ORDERED.

6
7 Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

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NOTICE

9 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
10 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
11 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
12 may determine that an appeal has been waived due to the failure to file objections within the specified
13 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

14 This circuit has also held that (1) failure to file objections within the specified time and (2)
15 failure to properly address and brief the objectionable issues waives the right to appeal the District
16 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
17 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
18 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
19 change of address. The notification must include proof of service upon each opposing party's attorney,
20 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
21 result in dismissal of the action.
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